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KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,929

Applicant(s)

BEZOS ET AL.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-18, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed January 21, 2005.

Claims 1 and 19 have been amended.

Claims 1-11 and 19 are presented for examination.

Response to Arguments

2. Applicant's arguments filed January 21, 2005 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that Epinions.com does not disclose "tallying votes received for a plurality of reviews authored by the first customer to provide a total tally, the total tally including votes received for the product review" and "assigning a designation to the first customer based on the total vote tally for the plurality of reviews authored by the first customer" (Page 5 of Applicant's response). The Examiner respectfully disagrees. "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions" discloses that reviewers are paid based on the usefulness of their content, as judged by other community members (¶¶ 2, 4, 8). The reviewers who are most highly rated by the community are featured on Epinions' web site (¶ 7). In order to assess which reviewers provide the most useful reviews, there must be a tally of the assessments of usefulness of the reviews accumulated from the other community members. This assertion is further supported by other descriptions of the Epinions.com web site. For example, Barrett states:

As a little incentive, Epinions.com promises to reward your hard work with cold hard cash if your reviews prove popular. Popularity is measured in terms of how often your review is read, and how highly other Epinions.com members rate it. Don't expect to get rich, though. Writing an auto review, for example, currently earns you 3 [cent] per member visit, or \$30 per 1000 readers. (¶ 5)

Clearly, not only does Epinions quantify the number of times each reviewer's review is read by another community member, but it also keeps track of a tangible measure (i.e., tally) of how useful the reviewer's reviews are. This is necessary to determine how much in incentives to pay out as well as in determining which reviewers are most highly rated (i.e., as judged by a tally of ratings from the community regarding the usefulness of the reviewer's review) and therefore deserve to be featured on Epinions.com. These features of Epinions.com are reiterated in the other cited articles, including Tedeschi who states that the reviews are rated on a scale from "not useful" to "very useful" and the reviewer's picture might be featured on the web site if "their reviews [plural] are widely read" (¶¶ 5, 6) and Wohl who states that "authors are rewarded by having highly rated opinions shown at the top of a search" which is important "because the first opinions shown are the ones most often read" (¶ 11). By featuring a popular reviewer (i.e., one who produces more useful reviews) on its web site, Epinions.com does assign a designation to the first customer (e.g., a popular reviewer) based on the total vote tally for the plurality of reviews authored by the first customer. Epinions.com performs the aforementioned steps for a plurality of reviews from each reviewer, as demonstrated by the fact that members of the community can access and rate various reviews from "a list of all written reviews with community

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ratings" ("Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 4).

Regarding claim 19, Applicant argues an amended limitation, which will be addressed in the revised art rejection below.

In summary, Applicant's arguments are non-persuasive. Two additional references describing the features of Epinions.com have been added to further support the explanation of features already taught by the references originally (and presently) cited in the art rejection.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c). Please see the non-initialed corrections of the Residence and Post Office Address for Warren Adams and the non-initialed correction of the Residence for Kenneth Dinovo.

It does not identify the complete mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76. Please note that the zip code for Jeffrey Bezos is not listed.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the providing review" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, "the providing review" has been interpreted as "the product review."

Please note that Examiner cites a full text version of Tedeschi's article "Consumer Products are Being Reviewed on More Web Sites, Some Featuring Comments From Anyone With an Opinion" on the attached PTO Form 892. A copy of this full text version is being provided to the Applicant and is referenced in the art rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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7. Claims 1-7, 10, and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Epinions.com, as disclosed in "Home, Netscape, Yahoo! Veterans Announce Epinions.com" (July 12, 1999), "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions" (September 8, 1999), Barrett, "What's Your Epinion?" (September 13, 1999), Tedeschi, "Consumer Products are Being Reviewed on More Web Sites, Some Featuring Comments From Anyone With an Opinion" (October 25, 1999), and Wohl, "User Review - Your Opinions are Highly Valued on the Web" (November 8, 1999). Please note that the cited references provide evidence that Epinions.com was founded in April 1999, the features of Epinions.com were made public as early as July 12, 1999, and the actual web site was officially launched on September 8, 1999.

Epinions.com discloses a method of evaluating a product review displayed in connection with a networked commerce site, comprising:

[Claim 1] providing a product review authored by a first customer over a network to a plurality of other customers ("Home, Netscape, Yahoo! Veterans Announce Epinions.com": ¶ 4; "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 2);

receiving votes over the network from other customers indicating whether the product review was helpful ("Home, Netscape, Yahoo! Veterans Announce Epinions.com": ¶¶ 4, 7; "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶¶ 2, 4);

tallying the votes received for the product review ("Home, Netscape, Yahoo! Veterans Announce Epinions.com": ¶ 4; "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶¶ 2, 4, 7);

providing over the network an indication related to the vote tally for the product review in association with the product review ("Home, Netscape, Yahoo! Veterans Announce Epinions.com": ¶ 4; "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶¶ 2, 4, 7);

tallying votes received for a plurality or reviews authored by the first customer to provide a total tally, the total tally including votes received for the product review ("Home, Netscape, Yahoo! Veterans Announce Epinions.com": ¶ 4; "Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶¶ 2, 4, 7, 8; Tedeschi: ¶¶ 5, 6; Wohl: ¶ 11; Barrett: ¶ 5 -- The reviewers who are most highly rated by the community are featured on Epinions' web site. In order to assess which reviewers provide the most useful reviews, there must be a tally of the assessments of usefulness of the reviews accumulated from the other community members. Not only does Epinions quantify the number of times each reviewer's review is read by another community member, but it also keeps track of a tangible measure (i.e., tally) of how useful the reviewer's reviews are. This is necessary to determine how much in incentives to pay out as well as in determining which reviewers are most highly rated (i.e., as judged by a tally of ratings from the community regarding the usefulness of the reviewer's review) and therefore deserve to be featured on Epinions.com. These features of Epinions.com are reiterated in the other cited articles, including Tedeschi

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who states that the reviews are rated on a scale from “not useful” to “very useful” and the reviewer’s picture might be featured on the web site if “their reviews [plural] are widely read” (¶¶ 5, 6) and Wohl who states that “authors are rewarded by having highly rated opinions shown at the top of a search” which is important “because the first opinions shown are the ones most often read” (¶ 11));

assigning a designation to the first customer based on the total vote tally for the plurality of reviews authored by the first customer (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7, 8; Tedeschi: ¶¶ 5, 6; Wohl: ¶ 11 -- By featuring a popular reviewer (i.e., one who produces more useful reviews) on its web site, Epinions.com does assign a designation to the first customer (e.g., a popular reviewer) based on the total vote tally for the plurality of reviews authored by the first customer); and

displaying the designation in associated with the product review (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7);

[Claim 2] wherein the votes comprise votes indicating that the product review is helpful and votes indicating that the product review is not helpful (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7; Tedeschi: abstract);

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[Claim 3] wherein the helpful votes are weighted differently than non-helpful vote (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7, 8 – Helpful votes are considered more positively than non-helpful votes, e.g., when ranking reviewers and compensating them accordingly);

[Claim 4] displaying a ranking in association with a plurality of the first customer’s reviews, wherein the ranking is based at least in part on the vote tally (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7; Tedeschi: abstract);

[Claim 5] wherein the ranking is determined by the number of helpful and unhelpful votes received for one or more of the first customer’s reviews (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7; Tedeschi: abstract);

[Claim 6] rewarding the first customer at least partly in response to the first customer achieving a first ranking (“Home, Netscape, Yahoo! Veterans Announce Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7);

[Claim 7] displaying the designation in association with a plurality of reviews authored by the first customer (“Home, Netscape, Yahoo! Veterans Announce

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Epinions.com”: ¶ 4; “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 2, 4, 7);

[Claim 10] generating a profile page associated with the first customer, wherein the profile page includes an indication related to the number of helpful votes the first customer has received for a plurality of reviews authored by the customer

(“Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 4, 7);

[Claim 11] generating a profile page associated with the first customer, wherein the profile page includes the number of unhelpful votes the first customer has received

(“Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶¶ 4, 7).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8, 9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epinions.com, as disclosed in “Home, Netscape, Yahoo! Veterans Announce Epinions.com” (July 12, 1999), “Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions” (September 8, 1999), Barrett, “What’s Your Epinion?” (September 13, 1999), Tedeschi, “Consumer Products are

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Being Reviewed on More Web Sites, Some Featuring Comments From Anyone With an Opinion" (October 25, 1999), and Wohl, "User Review - Your Opinions are Highly Valued on the Web" (November 8, 1999), as applied to claim 1 above.

[Claim 8] Epinions.com tallies votes from other customers regarding a product review, thereby implying that Epinions.com's vote tallies are limited to those who did not author the original product review ("Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 2); however, Epinions.com does not expressly teach that the first customer is actively prevented from voting on his/her own product review. Nevertheless, the Examiner asserts that Epinions.com would work against its own goal of providing consumers with unbiased opinions if it allowed first customers to rate their own product reviews. For example, Epinions.com touts that "consumers can rely on Epinions.com to offer brutally honest, relevant, and unbiased opinions. In order to maintain objectivity, Epinions.com does not create its own editorial content and the company does not sell products." ("Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions": ¶ 2) Furthermore, Epinions.com monetarily compensates its more popular reviewers, as judged by ratings of the usefulness of the reviews; therefore, Epinions.com is clearly trying to encourage reviewers to submit reviews that are generally useful to the Epinions community as a whole and Epinions.com has a vested interest in doing so, especially since financial compensation is provided. Also, Official Notice is taken that it is old and well-known in the art of voting to prevent a subject of the vote from participating in the actual vote tally in order to prevent the

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subject of the vote from unfairly skewing the voting results in his/her favor.

Epinions.com is concerned with promoting reviewers that truly meet the needs of the Epinions community as a whole; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Epinions.com to prevent a vote on the product review from the first customer from being included in a tally of votes received for the product review in order to prevent the first customer from unfairly skewing the voting results in his/her favor while ignoring the general consensus of the Epinions community as a whole.

[Claim 9] Epinions.com tallies votes from other customers regarding a product review; however, Epinions.com does not expressly teach that each of the other customers is prevented from voting more than once in relation to the product review. However, Official Notice is taken that it is old and well-known in the art of voting to only accept one vote from each eligible voter. This helps to ensure that each voter has no more and no less than his/her fair representation in the vote, thereby reducing the likelihood of skewing voting results in favor of the opinion of a single individual or limited group of individuals. Epinions.com promotes the formation of a community of trust in which reviewers whose opinions are more highly respected by a greater number of fellow community members are granted premier reviewer status; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Epinions.com such that each of the other customers is prevented from voting more than once in relation to the product review in

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order to help ensure that each customer has no more and no less than his/her fair representation in the vote, thereby reducing the likelihood of skewing voting results in favor of the opinion of a single individual or limited group of individuals and increasing the likelihood of more accurately representing the opinions of the Epinions.com community as a whole.

[Claim 19] Claim 19 recites limitations already addressed by the rejection of claim 1 above; therefore, the same rejection applies. Furthermore, Epinions.com performs the steps of claim 1 for a plurality of reviews from each reviewer, as demonstrated by the fact that members of the community can access and rate various reviews from “a list of all written reviews with community ratings” (“Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶ 4). Epinions.com does not expressly teach that the combined tally of evaluations for the plurality of reviews itself is actually displayed in association with a single product review. However, Official Notice is taken that it is old and well-known in the art of voting to display a total tally count regarding an overall evaluation/rating of multiple people. This allows one reviewing the results to attain a more accurate assessment of the performance of one person in relation to others, thereby placing the assessment in a more meaningful context. Similarly, Epinions.com desires to establish a community of trusted users (“Epinions.com Announces the Launch of its Free Online Shopping Guide Powered by Consumer Opinions”: ¶ 3) by discouraging contributions from poor and untrustworthy reviewers (Barrett: ¶ 6); therefore, the Examiner asserts that it would have been

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obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Epinions.com to actively display the combined tally of evaluations for the plurality of reviews in association with a single product review in order to provide the community of users with a tool to conveniently attain a more accurate assessment of the performance of each reviewer in relation to other reviewers, thereby placing the assessment in a more meaningful context. In other words, knowing that one reviewer overall has a history of hundreds of useful reviews is helpful when comparing that reviewer to another reviewer who only has a history of only a handful (e.g., less than one hundred) useful reviews overall.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 30, 2005


SUSANNA M. DIAZ
PRIMARY EXAMINER
AU 3623